

NO. PD-0736-17

JOHN KENNETH LEE

VS.

STATE OF TEXAS

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§  
§  
§

IN THE COURT OF CRIMINAL APPEALS  
CRIMINAL APPEALS  
OF TEXAS

FILED  
1/29/2018  
DEANA WILLIAMSON, CLERK

**MOTION TO EXTEND TIME TO  
FILE APPELLANT'S BRIEF ON THE MERITS**

**TO THE HONORABLE JUDGES OF SAID COURT:**

Now comes John Kenneth Lee, Appellant in the above styled and numbered cause, and moves for an extension of time of thirty (30) days to file appellant's brief and for good cause shows the following:

1. On June 15, 2017, the Court of Appeals reversed appellant's conviction. John Kenneth Lee v. State, 13-15-00514-CR.
2. On July 12, 2017, the State filed a petition for discretionary review in this Court, which was granted on November 15, 2017.
3. On December 12, 2017, the State's brief on the merits was filed. Appellant's brief on the merits was due on January 11, 2018. On December 21, 2017, Movant filed a letter of representation informing the Court that he had recently been appointed represent Appellant in this matter.
4. Appellant requests an extension of time to file Appellant's brief of thirty (30) days to February 10, 2018.
5. This request is for good cause and not for purposes of delay because, during

the briefing period, Movant was out of the office over the Christmas holidays for vacation scheduled prior to his appointment in the matter before this Court, and Movant was also unexpectedly out of the office for a substantial period before and after the holiday due to illness.

6. Movant had attempted to electronically file this motion previously with this Court on February 19, 2018, but had failed to observe that he did not receive an email confirming that the motion had been submitted. This has never happened to Movant in the past. Immediately upon receiving notice from this Court that a motion for extension had not been filed, Movant called the Court and was informed that there had been previous reports of electronic filings “being lost” at or near the time Movant’s records indicate that the motion was previously submitted. However, Movant’s former career in information technology informs him that a “glitch and the system” often can be due to user error, even when there are multiple reports of the same issue. Movant apologizes for any inconvenience to the Court for any error on his part in failing to confirm that a motion had been previously filed, regardless of the cause.

7. Defendant is currently on bond.

**WHEREFORE, PREMISES CONSIDERED**, appellant respectfully requests an extension of thirty (30) days, i.e. until February 10, 2018, to file Appellant's brief on the merits.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that on January 28, 2018, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Victoria County, 205 N. Bridge St., Ste. 301, Victoria, Texas 77901, by electronic delivery service.

/S/ Arnold K. Hayden, Jr.  
Arnold K. Hayden, Jr.